

# **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

MARK SPLONSKOWSKI,

*Plaintiff,*

v.

ERIKA WHITE, in her official capacity as  
State Election Director of North Dakota,

*Defendant,*

*and*

LEAGUE OF WOMEN VOTERS OF  
NORTH DAKOTA,

*Proposed Intervenor-  
Defendant.*

Case No. 1:23-cv-00123-DMT-CRH

**DECLARATION OF  
BARBARA HEADRICK**

**DECLARATION OF BARBARA HEADRICK**

I, Barbara Headrick, pursuant to 28 U.S.C. § 1746, based on my personal knowledge, declare that:

1. I am a member and currently serve as President of the League of Women Voters of North Dakota (“LWVND”). LWVND is a nonprofit, nonpartisan membership organization that has operated in North Dakota since 1920. LWVND’s mission is to empower voters and defend democracy. LWVND promotes civic engagement, engages in advocacy around voting and other democracy issues, and conducts extensive work on voter education and voter assistance. LWVND seeks to expand access to voting and ensure its members and members of the broader communities it serves have access to reliable, convenient, and effective means of casting a ballot.

2. LWFND's work includes promoting various means of voting and assisting members and others in requesting absentee ballots if necessary; providing information to the community about upcoming elections and voting options; and encouraging members and other eligible voters to get out and vote, including by utilizing North Dakota's mail-in voting option.

3. LWFND chapters regularly host candidate, legislative, and issue forums, and have done so for many years. LWFND also maintains a web resource, [Vote411.org](http://Vote411.org), that contains detailed information about requesting an absentee ballot and the deadlines for mail-in voting, as well as other relevant information for voters, and ensures that it has current information on North Dakota election laws.

4. LWFND has 133 members across the state of North Dakota, including nine members who live in vote-by-mail counties, such as Barnes, Wells, Renville, and Williams counties. Many of LWFND's members vote regularly by mail and intend to do so in future elections, including in 2024.

5. Eliminating the uniform deadline for mailing absentee and vote-by-mail ballots would subject LWFND members who rely on mail-in voting to disenfranchisement based solely on when their ballot is received by county election officials, even if those ballots are timely cast before Election Day. It will also cause uncertainty and confusion for members and our broader community members about when they must mail their ballots in order to be sure they are counted. In areas with less reliable mail service, the functional deadline for mailing back a ballot will be much earlier than in areas where mail service is quicker and more reliable.

6. I live in Fargo, North Dakota. I regularly vote in North Dakota elections, and intend to vote in future elections, including in the 2024 election. Fargo sends absentee ballot applications

to all eligible voters for local elections. I have voted absentee in North Dakota elections since 2020, and I intend to continue voting absentee in future elections, including in the 2024 election.

7. Typically, I mail my ballot about a week before Election Day. Casting my ballot closer to Election Day allows me to take into account information about candidates and issues that comes to light in the days leading up to Election Day.

8. The uniform deadline for mailing ballots under North Dakota law ensures that my ballot, and the ballots of other L WVND members who rely on mail-in voting, will be counted so long as they are postmarked as of the day before Election Day, even if those ballots are not received by county election officials until after Election Day. Eliminating the uniform deadline for absentee and mail-in voting would put me and other L WVND voters at risk of having our timely cast ballots rejected simply because they are not received on or before election day.

9. Indeed, L WVND's voter education efforts emphasize the uniform deadline for postmarking mail ballots because we have repeatedly been told by members and other citizens about issues mailing ballots, particularly in the small population counties that rely on mail in voting but have limited rural mail services and limited access to post offices. While this was particularly true in 2020 when many North Dakota citizens voted by mail during the pandemic and many places did not provide ballot dropboxes, mail issues continue to be a concern for voters who rely on mail-in voting.

10. L WVND would also be harmed if Plaintiff is successful in eliminating the uniform deadline for mail-in voting. L WVND would be forced to spend additional time and resources educating their members and the public about the change in the law. We will be required to divert resources toward get out the vote activities ("GOTV") to ensure members and other voters mail their ballots with sufficient time to ensure they are received by Election Day, or that they find

alternative means to cast their ballots. This will require LWVND to divert resources away from other organizational priorities, such as organizing voter forums, maintaining the Vote411.org resource, and recruiting poll observers.

I am competent to testify on the matters stated in this declaration. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 2023, in Fargo, North Dakota.

*Barbara Headrick*

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Barbara Headrick  
President, League of Women Voters North Dakota